



**MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 17, 2001, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Jimenez.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PUBLIC COMMENTS

Jason Moreno announced that he plans to run for office.

Frank Goulart noted that the Alameda County Historical Society would be holding a historical day in Hayward on Saturday, July 28. He gave the telephone number of 444-2187 for additional information on this event. He also announced that the Neighborhood Alliance would be meeting this Saturday beginning at 2:00 p.m. The meeting will be held at 22248 Main Street. He enumerated the various topics that will be discussed at that meeting.

Jim Drake complimented the LARC Thrift Shop on the décor of their windows and reiterated his comments related to the proposed generator project.

Barbara Heringer-Swarr commented on the proposed assessment district in the downtown area and asked questions related to Proposition 218 regulations.

CONSENT

1. Approval of Minutes of the Meeting of July 10, 2001

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to approve the Minutes of the Meeting of the City Council of July 10, 2001.

2. Authorization to Enter Into a Contract with PRC to Upgrade the Public Safety Computer Aided Dispatch System

Staff report submitted by Investigation Commander Silva, dated July 17, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to introduce and adopt the following:

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Resolution 01-106, "Authorizing the City Manager to Accept the Proposal from PRC, Public Sector, Inc. to Upgrade the Public Safety Computer Aided Dispatch (C.A.D.) System"

3. Agreements with Alzheimer's Services of the East Bay and Service Opportunities for Seniors, Inc., for Paratransit Services

Staff report submitted by Social Services Planning Manager Korth, dated July 17, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-107, "Resolution Authorizing the City Manager to Execute an Agreement with Alzheimer's Services of the East Bay to Provide Paratransit Services in Fiscal Year 2001-02"

Resolution 01-108, "Resolution Authorizing the City Manager to Execute an Agreement with Service Opportunities for Seniors, Inc., to Provide Paratransit Services in Fiscal Year 2001-02"

4. Approval of a Joint Powers Agreement to Participate in the Eastbay Delta Housing & Finance Agency (EDHFA) Affordable Homeownership Lease Purchase Program

Staff report submitted by Housing Development Specialist Stark, dated July 17, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-109, "Resolution Authorizing the City Manager to Execute the Joint Powers Agreement to Participate in the Eastbay-Delta Housing and Finance Agency's Homeownership Lease-Purchase Program Shelter Project"

5. Conveyance of Surplus Property to Adjoining Property Owner at 25855 Fairview Avenue

Staff report submitted by Deputy Director of Public Works Bauman, dated July 17, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:



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Resolution 01-110, "Resolution Authorizing Conveyance of Surplus Property Parcel 107 to the Abutting Property Owner at 25855 Fairview Avenue"

6. Enclosure of Sulphur Creek at Taxiway "E": Approval of Addendum No. 1 and Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated July 17, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-111, "Resolution Approving the Mitigated Negative Declaration, Approving Addendum No. 1 for the Enclosure of Sulphur Creek at Taxiway "E," Project 6815, and Awarding Contract to Siteworks Construction, Inc."

7. Authorization for the City Manager to Execute Lease Amendments with American Aircraft Sales Company for Ground Leases at the Hayward Executive Airport

Staff report submitted by Airport Manager Shiner, dated July 17, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-112, "Resolution Authorizing the City Manager to Execute Lease Amendments with American Aircraft Sales Company for Ground Leases at the Hayward Executive Airport"

8. Authorization for the City Manager to Execute an Exclusive Negotiating Agreement with Nazareth Properties for the Ground Lease of Airport Property

Staff report submitted by Airport Manager Shiner, dated July 17, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-113, "Resolution Authorizing the City Manager to
Execute an Exclusive Agreement Between the City of Hayward and
Nazareth Properties for the Ground Lease of Airport Property"

HEARINGS

9. Text Change Application 01-140-02 - Initiated by the Planning Director - Request for an Amendment to the Off-Street Parking Regulations as they Apply to Residential Parking Requirements in the Central City Sub-Districts

Staff report submitted by Planning Manager Anderly, dated July
17, 2001, was filed.

Acting Principal Planner Patenaude made the staff report. He noted a change in the wording to read, "If more than two floors are converted to residential use, the developer must demonstrate how the parking requirement will be fulfilled for the dwelling units on the additional floors."

Council Member Ward said he hoped this would not make it detrimental to the downtown.

Council Member Hilson said he was pleased to see the flexibility.

Council Member Henson suggested they might use square footage rather than the number of floors in a building.

City Manager Armas responded that in an urban downtown, parking spaces are generally freed up in the evening hours. This is also to discourage automobile usage in the downtown area.

Mayor Cooper opened the public hearing at 8:34 p.m.

Walter Wang, representing the ownership of the former city center building on Foothill, noted that this ordinance places additional restrictions should there be a proposed residential use in that building. He asked that the City be more flexible and work with developers. He stressed that he is willing to work with the City to make the building a success. He responded to questions and concerns from Council Members. He noted that nothing has been happening with the building due to current economic conditions. He said they have had several break-ins in the building. He commented that at this point, the breezeway is attractive to the homeless. He agreed that there are many things that are flexible and they would be willing to work with staff to make any project a success.

City Manager Armas reminded Council that the City preserved the easement to the breezeway. He said that at some point the City might want to open it up.

Mr. Wang indicated that they would be willing to find a workable solution such as fencing the breezeway and providing keys to Centennial Hall for access.



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Jim Drake, Franklin Avenue, asked about the transactions that occurred with the sale of the city Center building.

Mayor Cooper closed the public hearing at 8:52 p.m.

Council Member Hilson moved to approve the Ordinance, with the amended language to include, "If more than two floors are converted to residential use, the developer must meet the residential parking requirements for units on the additional floors. The developer shall demonstrate how the parking requirement for dwelling units on the additional floors will be fulfilled."

It was moved by Council Member Hilson, seconded by Council Member Rodriquez, and unanimously carried to introduce the following:

Introduce Ordinance 01-____, "An Ordinance Amending Section 10-2.411 of Article 2, Chapter 10 of the Hayward Municipal Code to Amend the Off-Street Parking Requirements in the Central Parking District"

LEGISLATIVE BUSINESS

10. Issuance of Mortgage Revenue Bonds to Finance the Purchase and Rehabilitation of Tennyson Gardens

Staff report submitted by Neighborhood and Economic Development Manager Bauman, dated July 17, 2001, was filed.

Neighborhood and Economic Development Manager Bauman made the staff report. She noted that staff is recommending the issuance of these bonds to improve the appearance of the building, the apartments will be upgraded, the tenant amenities will be upgraded, and property management, maintenance, and tenant safety will be significantly improved.

Council Member Henson asked about the income limits and whether these tenants would be able to find affordable housing. He also asked about the 55-year maintenance agreement.

She noted that the developer would work with Eden Information and Referral and with any tenants who are displaced to ensure that they have a place to live. She noted that three families might be over the 60 percent of median income levels as required by the low-income housing agreement. She noted that there is a long lead-time for finding housing for anyone who is displaced by his or her increase in income.

Council Member Hilson asked what the developer equity participation would be for this project.

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Neighborhood and Economic Development Manager Bauman discussed the financing. The developer would fund about a \$1 million. The total project is about \$9 million and the bond issue is \$7 million. She commented that the repayment depends solely on this property and there is no risk to the City.

Council Member Ward asked how many of the current tenants are on Section 8 Housing. He then discussed the number of years for this measure as well as others in the City.

Neighborhood and Economic Development Manager Bauman estimated that at least 70 percent of the tenants are on Section 8 Housing. She gave an overview of the history of the building. She noted that the new owner would be staffing the building on a 24-hour basis. The developer will be doubling the number of staff on duty at the building.

Council Member Jimenez asked to see the agreement included in the staff reports.

Council Member Rodriquez asked about the research done by staff on the background.

Neighborhood and Economic Development Manager Bauman said staff tries to do a complete screening. She noted that anyone who is issued the bonds must maintain their property.

Mayor Cooper opened the public hearing at 9:12 p.m.

Jason Moreno commented on the rent control ordinance being a very useful tool in maintaining low income tenants. He wondered whether it might be possible to require an owner to place properties under the rent control ordinance.

In response, City Attorney O'Toole said it might be possible to ask. He did not know if the Costa-Hawkins legislation would prohibit the City from requiring this condition if the owner refused. He added that if the Council would like his office to pursue it, they would.

Mayor Cooper closed the public hearing at 9:14 p.m.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 01-114, "Resolution of the City of Hayward Authorizing the Issuance, Sale and Delivery of City of Hayward Variable Rate Demand Multifamily Housing Revenue Bonds (Tennyson Gardens Apartments) 2001 Series A, Authorizing the Execution and Delivery of an Indenture of Trust, a Loan Agreement, a Regulatory Agreement, an Official Statement, and a Purchase Contract, and Authorizing the Execution and Delivery of and Approving Other Related Documents and Approving Other Related Actions in Connection Therewith"



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11. Authorization for the City Manager to Execute a Ground Lease with Ascend Development HWD, LLC, at the Hayward Executive Airport
Staff report submitted by Airport Manager Shiner, dated July 17, 2001, was filed.

Public Works Director Butler made the staff report noting the project would be an asset to the airport and it addresses the needs stated in the Airport Master Plan. He commented that the Master Plan noted a shortage of corporate hangars in the area. He noted that this project has been under discussion since 1997. The actual hangar project will be undertaken at a later date and conforms to City regulations going through a separate planning process. He commented on the lease and income from it.

Gary Briggs from Ascend, noted that they have gone through the process with the Planning Department. As a result, there is a difference in the dimensions from what was shown. He commented that this hangar would be more aesthetically pleasing since it is at the entrance to the airport.

Council Member Henson asked how critical the need is for corporate hangars.

Public Works Director Butler said the City anticipates more projects like this in the future. He noted that it gives the City a start on fulfilling this need. He commented that there is an extensive waiting list for hangars in the Bay Area.

Council Member Ward asked whether the City has any corporate hangars. He asked whether the City might not have discounted the lease of the land in exchange for a portion of the income from the corporate hangars. He was told the City would consider this in future situations.

Council Member Hilson asked how this would fit into the "A" Street extension. He was told that certain areas are not being considered for development because of this projection.

Mayor Cooper opened and closed the public hearing at 9:32 p.m.

It was moved by Council Member Rodriguez, seconded by Council Member Ward, and unanimously carried to adopt the following:

Resolution 01-115, "Resolution Authorizing the City Manager to Execute a Ground Lease for Development of Aircraft Hangars on Property at the Hayward Executive Airport"

12. Adoption of Zoning Ordinance Amendment to Limit Window Coverage in Connection with Retail Establishments

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Staff report submitted by City Clerk Reyes, dated July 17, 2001,
was filed.

City Clerk Reyes reported that when this ordinance was introduced, its approval was not unanimous. Thus, it is being placed under Legislative Business.

Mayor Cooper opened and closed the public hearing at 9:35 p.m.

In response to Council Member Henson's questions, City Manager Armas indicated that over the next six-months modifications will be noted and in September, staff will bring back a proposal to lend financial and technical assistance to merchants in the area.

Council Member Jimenez questioned the ordinance taking effect immediately. City Manager Armas described the various tasks staff was committed to do before implementing the ordinance.

It was moved by Council Member Dowling, seconded by Council Member Hilson, and carried with the following vote, to adopt the following:

Ordinance 01-08, "An Ordinance Adding Various Subsection to
Chapter 10, Article 1 of the Hayward Municipal Code Relating to
Window Coverage for Retail Commercial Establishments"

AYES:	Council Members:	Jimenez, Hilson, Rodriquez, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	Ward
ABSENT:	None	
ABSTAINED:	None	

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned at 9:37 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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